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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,617	06/29/2000	Gregory W. Bruening	USW#-1750	7650

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EXAMINER

BUI, BING Q

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 05/07/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/606,617**

Applicant(s)  
**Bruening**

Examiner  
**Bing Bui**

Art Unit  
**2642**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Feb 24, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

1. This action is in response to applicant's response filed on Feb. 24, 2003. Claims 1-51 are now pending in the present application. **This action is made final.**

### ***Claim Rejections - 35 USC § 103***

2. Claims 1-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris et al (US Pat 5,805,587) in view of Birckbichler (US Pat No. 5,796,806), of record.

**Regarding claim 1**, Norris et al teach the invention substantially as claimed, a method for identifying a caller S2 in which with respect to Figure 1, Norris et al teach the method comprising the steps of:

a) receiving a call from S1 to a subscriber line having a device DT1 and telephone set S1 connected to internet 18 (computer network) (Figs 1 and 7; col 8, ln 49-col 9, ln 8);

b) determining that the subscriber line is connected to the computer network (Figs 1 and 7; col 8, ln 49-col 9, ln 8);

Norris et al differ from claimed invention in which it does not teach the step of:

c) in response to said step b), prompting the caller to provide identification;

d) receiving an audible identification from the caller; and

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e) providing the caller audible identification to the subscriber.

However, Birckbichler teaches the steps of:

c) in response to said step b), prompting the caller to provide identification

(Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57);

d) receiving an audible identification from the caller (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57); and

e) providing the caller audible identification to the subscriber (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57).

Therefore, in the knowledge generally available to one of ordinary skill in the art, it would have been obvious to include the method of collecting and recording the audible caller identification and playing back such identification to a subscriber, as taught by Birckbichler, to Norris et al's invention in order to enable the subscriber who being busy in an Internet session to recognize the caller for determining whether or not to accept the call without interrupting the Internet session, because the subscriber does not need to look at a caller ID display unit that commonly used today at most communication terminals to recognize the caller.

**Regarding claims 2-3, 30-31 and 45-46,** Norris et al teach the invention substantially as claimed, with the exception of providing the step of recording the caller audible identification and sending the recorded audible identification to the device.

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However, Birckbichler teaches the steps of recording the caller audible identification and sending the recorded audible identification to the recipient subscriber (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57).

Therefore, in the knowledge generally available to one of ordinary skill in the art, it would have been obvious to include the method of collecting and recording the audible caller identification and sending such identification to a subscriber, as taught by Birckbichler, to Norris et al's invention in order to enable the subscriber who being busy in an Internet session to recognize the caller for determining whether or not to accept the call without interrupting the Internet session, because the subscriber does not need to look at a caller ID display unit that commonly used today at most communication terminals to recognize the caller.

**Regarding claims 4-5**, Norris et al teach the invention substantially as claimed, with the exception of providing the step of:

f) before said step c), determining whether calling party information is present in response to said step b);

g) determining that the calling party information is not present; and

h) performing said step c) in response to said step g).

l) detecting a trigger at the subscriber line in said step a);

j) performing said step f) in response to said step l).

However, Birckbichler teaches the steps of:

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f) before said step c), determining whether calling party information is present in response to said step b) (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57);

g) determining that the calling party information is not present (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57); and

h) performing said step c) in response to said step g) (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57).

i) detecting a trigger at the subscriber line in said step a) (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57);

j) performing said step f) in response to said step i) (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57).

Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add the method of determination of the presence of caller information before prompting the caller for information, as taught by Birckbichler, to Norris et al's invention to save call processing time.

**Regarding claim 6**, Norris et al teach the invention substantially as claimed, the method further including the step of directing the call to a VRU (an intelligent peripheral) based upon said step g) (col 4, lns 6-50).

**Regarding claim 7**, Norris et al teach the invention substantially as claimed, the method further including the step of prompting (displaying) a plurality of disposition options for the call via the subscriber line (col 4, lns 6-50).

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**As to claims 8, 12-15, 17-18, 22 and 33-34**, they are rejected for the same reasons set forth to rejecting claims 1-3 above, since claims 8, 12-15, 17-18, 22 and 33-34 are merely a system for implementing the method defined in the method claims 1-3.

**As to claim 9**, it is rejected for the same reasons set forth to rejecting claim 2 above, since claim 9 is merely a system for implementing the method defined in the method claim 2.

**Regarding claims 10, 16, 23 and 42-43**, Norris et al teach the invention substantially as claimed, with the exception of providing the step of sending the audible identification to the subscriber.

However, Birckbichler teaches the steps of providing the caller audible identification to the subscriber (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57)

Therefore, in the knowledge generally available to one of ordinary skill in the art. it would have been obvious to include the method of providing the audible caller identification to a subscriber, as taught by Birckbichler, to Norris et al's invention in order to enable the subscriber who being busy in an Internet session to recognize the caller for determining whether or not to accept the call without interrupting the Internet session, because the subscriber does not need to look at a caller ID display unit that commonly used today at most communication terminals to recognize the caller.

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**As to claim 11**, it is rejected for the same reasons set forth to rejecting claim 6 above, since claim 11 is merely a system for implementing the method defined in the method claim 6.

**As to claims 19-21, 24, 28-29, 32, 37-39, 44 and 47-48**, they are rejected for the same reasons set forth to rejecting claim 1.

**Regarding claim 25**, Norris et al teach the invention substantially as claimed, wherein the computer network is the Internet (Figs 1-2 and col 2, ln 32-48).

**Regarding claim 26**, Norris et al teach the invention substantially as claimed, wherein the visual interface comprises an Internet web page (col 2, ln 7-col 3, lns 16).

**Regarding claim 27**, Norris et al teach the invention substantially as claimed, wherein the visual interface comprises a pop-up screen (col 2, ln 7-col 3, lns 16).

**As to claim 35**, it is rejected for the same reasons set forth to rejecting claim 26 above, since claim 35 is merely a system for implementing the method defined in the method claim 26.

**As to claim 36**, it is rejected for the same reasons set forth to rejecting claim 27 above, since claim 36 is merely a system for implementing the method defined in the method claim 27.

**As to claims 40-41**, they are rejected for the same reasons set forth to rejecting claims 2-3 above, since claims 40-41 are merely a system for implementing the method defined in the method claims 2-3.



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**Regarding claims 49-51**, Norris et al teach the invention substantially as claimed, subscriber S1 includes a telephone set S1 associated with a DT1 (personal computer) that connected to internet 300 via internet service provider IAS 200 point of presence 36 (Figs 1).

### ***Response to Arguments***

3. Applicant's arguments filed 2/24/03 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, in the knowledge generally available to one of ordinary skill in the art. it would have been obvious to include the method of collecting and recording the audible caller identification and playing back such identification to a subscriber, as taught by Birckbichler, to Norris et al's invention in order to enable the subscriber who being busy in an Internet session to recognize the caller for determining whether or not to accept the call without interrupting

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the Internet session, because the subscriber does not need to look at a caller ID display unit that commonly used today at most communication terminals to recognize the caller.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number

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for the organization where this application or proceeding is assigned is (703) 872-9314 and for formal communications intended for entry (please label the response "EXPEDITED PROCEDURE") or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Bing Bui  
Patent Examiner / Apr. 26, 2003

  
AHMAD MATAR  
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